

## *What You **MUST** Know . . .*

You have a constitutional right to be heard in a fair legal proceeding. Unfortunately, a vast majority of Americans believe that government agencies and courts will automatically protect their due process rights. The reality is that your rights are protected **ONLY** if you, and/or your attorney, take the specific actions and steps necessary to protect your rights. Here is a list of ten things that you **MUST** know to successfully assert your due process rights when dealing with a government agency or court with respect to virtually all legal proceedings (i.e. collection actions, foreclosures, business disputes, divorce and custody issues, insurance claims, and a myriad of other civil and criminal court proceedings):

1. **Know the law:** You can hardly defend yourself, or know if your attorney is properly defending you, if you don't know what specific law(s) you are being charged with violating. Therefore, if you receive a summons, a citation, or complaint, or you are otherwise accused of breaking a law; one of the first steps is to find out **EXACTLY** what law you have been alleged to have broken.
2. **Know the facts:** Similarly, you must understand whether the facts, as you understand them, constitute a violation of the law. All too often, individuals fail to contest the alleged facts and allow "twisted facts" or misrepresentations of fact become evidence in a legal proceeding. Obviously, you don't want to be found guilty of breaking the law and "pay the price" based on facts that are not true.
3. **Know the legal process:** No matter what type of legal problem or complaint you are dealing with, find out about the official procedures that are normally used to resolve the type of case you are involved with. For example, tax authorities, administrative agencies, and courts all have specific, but different, procedures and rules to resolve controversies. If you don't know exactly what to expect, call the given authority or government agency (i.e. the court clerk, the administrative agency office, etc.) and inquire about what to expect or where you can find the information [Note: Be aware that you will often be told that the person you are talking to can **NOT** give you legal advice; so make it clear you are simply asking where to find the applicable rules, laws and procedures.].
4. **Know the complaint and charges:** This seems like it is an obvious statement, but more often than not, folks are uncertain about exactly what they are being sued for or charged with; and exactly what facts are being alleged to support the actual complaint or charges.
5. **Know the applicable fines, penalties, or other remedies:** In short, make sure you have a clear understanding about what you are really up against in any legal proceeding; and what your exposure is to money damages, fines, and/or penalties. Only then can you make an intelligent determination of how to proceed. In other words, you must assess what is really at stake.
6. **Know the time frames and deadlines:** Time and time again, litigants lose cases and pay dearly because they didn't realize that missing a deadline to appear, file a pleading, or comply with a Court order can cause a default, or worse yet, a finding of contempt.
7. **Know your own case record:** Keep a record, or obtain a record of the docket in a court case. Invariably, cases get drawn out and litigants often lose track of exactly what's going on and what has to be done next in order to go forward. Taking your eye off the ball is the easiest way for your opponent to "get around" your due process rights.
8. **Know your legal argument:** Every proceeding boils down to which party has the argument that makes the most sense and "proves" his/her case in view of facts and supporting evidence, and how applicable law should be applied to the facts and evidence. Your argument should be prepared in advance of any hearing and presented clearly and concisely to the presiding judge or hearing officer.
9. **Know the specific due process rights for your case:** Each area of law carries with it specific procedural and substantive due process rights. In order that proceedings are fair, they are conducted in accordance with established rules in order to protect due process rights. However, it is up to you to know and follow those rules in order to preserve your rights.
10. **Know what resources are available for help:** As soon as you are faced with a legal proceeding, take some time to assess what information, research, professional help, and/or other resources are needed to assist you.

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